

PRECEDENTIAL

UNITED STATES COURT OF APPEALS
FOR THE THIRD CIRCUIT

Nos. 08-3361, 08-3413, 08-3758, and 08-3759

UNITED STATES OF AMERICA,
Appellee and Cross-Appellant

v.

TAMIKA RILEY AND SHARPE JAMES
Appellants and Cross-Appellees

On Appeal from the United States District Court
for the District of New Jersey
(D.C. No. 2-07-cr-00578)
District Judge: Honorable William J. Martini

Argued April 13, 2010

Before: SLOVITER and NYGAARD, Circuit Judges, and RESTANI,* Judge

ORDER AMENDING OPINION

IT IS HEREBY ORDERED that the opinion in the above case, filed September 16, 2010, be amended as follows:

Page 10, footnote 12, line 4, substitute "note11" for "note12".

*Honorable Jane A. Restani, Chief Judge of the United States Court of International Trade, sitting by designation.

Page 14, delete the last sentence of section “i”.

Page 14, heading “ii”, which read:

Harmless Error Review

shall read:

Affect on Appellants’ Substantial Rights

Page 14, delete the first sentence of section “ii”, including citations.

Page 15, first sentence of the first full paragraph which read:

While it is true that the jury convicted James of a substantive violation referred to in one of the alternative descriptions of duty, 18 U.S.C. § 666 (Count 4), we cannot be certain of how the jury utilized the broad definition of an honest services violation given in connection with the entire conspiracy charge.

shall read:

While it is true that the jury convicted James of a substantive violation referred to in one of the alternative descriptions of duty, 18 U.S.C. § 666 (Count 4), dependents have met their burden of showing a reasonable probability that the jury utilized the broad definition of an honest services violation given in connection with the entire conspiracy charge.

Page 15, delete the last sentence of the first full paragraph.

BY THE COURT,

/s/ Jane A. Restani

Judge

DATED: October 21, 2010